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COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney *[Signature]*

FROM: Henry M. Brown, Assistant County Attorney *HMB*
Ext. 5736

CONCUR: Pam Hastings, Administrative Manager/Public Works Department *[Signature]*
David V. Nichols, P.E./Engineering Division *[Signature]*

DATE: September 8, 2005

SUBJECT: Settlement Authorization
Lake Drive road improvement project
Parcel No.: 133
The Hindu Society of Central Florida
Seminole County v. Century National Bank, et al.
Case No.: 04-CA-2099-13-L

This Memorandum requests settlement authorization by the Board of County Commissioners (BCC) for Parcel No. 133 on the Lake Drive project. The recommended settlement is at the total sum of \$135,500.00 inclusive of land value, severance damage, statutory interest, capped attorney fees, and cost reimbursements allocated as follows:

\$120,000.00	Land value
\$ 2,000.00	Capped attorney's fee
\$ 13,500.00	Cost reimbursements

I PROPERTY

A. Location Data

Parcel No. 133 is located with frontage on Lake Drive. The new Hindu Temple recently opened on the remainder tract. A location map is attached as Exhibit A and parcel sketch as Exhibit B.

B. Street Address

The street address of the property is 1994 Lake Drive, Casselberry, FL 32707.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 02-R-70 on April 23, 2002, authorizing the acquisition of Parcel No. 133, and finding that the Lake Drive project was necessary and served a public purpose and was in the best interests of the citizens of Seminole County. The Order of Take occurred on December 16, 2004, with title vesting in Seminole County on December 21, 2004, the date of the good faith deposit.

III ACQUISITIONS AND REMAINDER

The fee acquisition from Parcel No. 133 totaled 8,399 S.F. from a parent tract of 4.498± acres leaving a remainder of 4.305± acres. The fee acquisition severed the existing retention pond at the frontage on Lake Drive requiring a reconstruction of the pond, which serves the parking area from the Hindu Temple and other improvements.

IV APPRAISED VALUES

A. County Report

The County's initial appraisal report was prepared by Clayton, Roper, & Marshall, Inc., opining a value at \$80,650.00 as of February 27, 2004. The updated report as of November 9, 2004, opined a value of \$87,850.00. A cost to reconstruct the frontage pond was a significant part of the damages.

B. Owner's Report

The owner had a preliminary report prepared by Calhoun, Dreggors & Associates, Inc., to opine full compensation totaling \$147,400.00.

V BINDING WRITTEN OFFER/NEGOTIATION

The BCC approved written offer was \$110,000.00. Negotiation centered on the cost to reconstruct the retention pond facility. The owner's cost estimate contained betterment, which the County challenged in negotiation.

VII ATTORNEY'S FEES AND COSTS

A. Attorney's Fee

The negotiated attorney fee is \$2,000.00. This is \$1,300.00 less than the statutory fee. The capped fee results in more of the total settlement sum being allocated to the owner.

B. Cost Reimbursements

Appraisal and Engineering costs are negotiated at a total of \$13,500.00 without allocation.

VII COST AVOIDANCE

By this settlement, the County avoids all additional costs associated with continuing litigation including mediation costs.

VIII RECOMMENDATION

County staff recommends that the BCC approve this settlement in the total amount of \$135,500.00 inclusive of land value, severance damage, statutory interest, capped attorney's fees and cost reimbursements.

HMB/dre

Attachments:

Exhibit A - Location map

Exhibit B - Parcel Sketch

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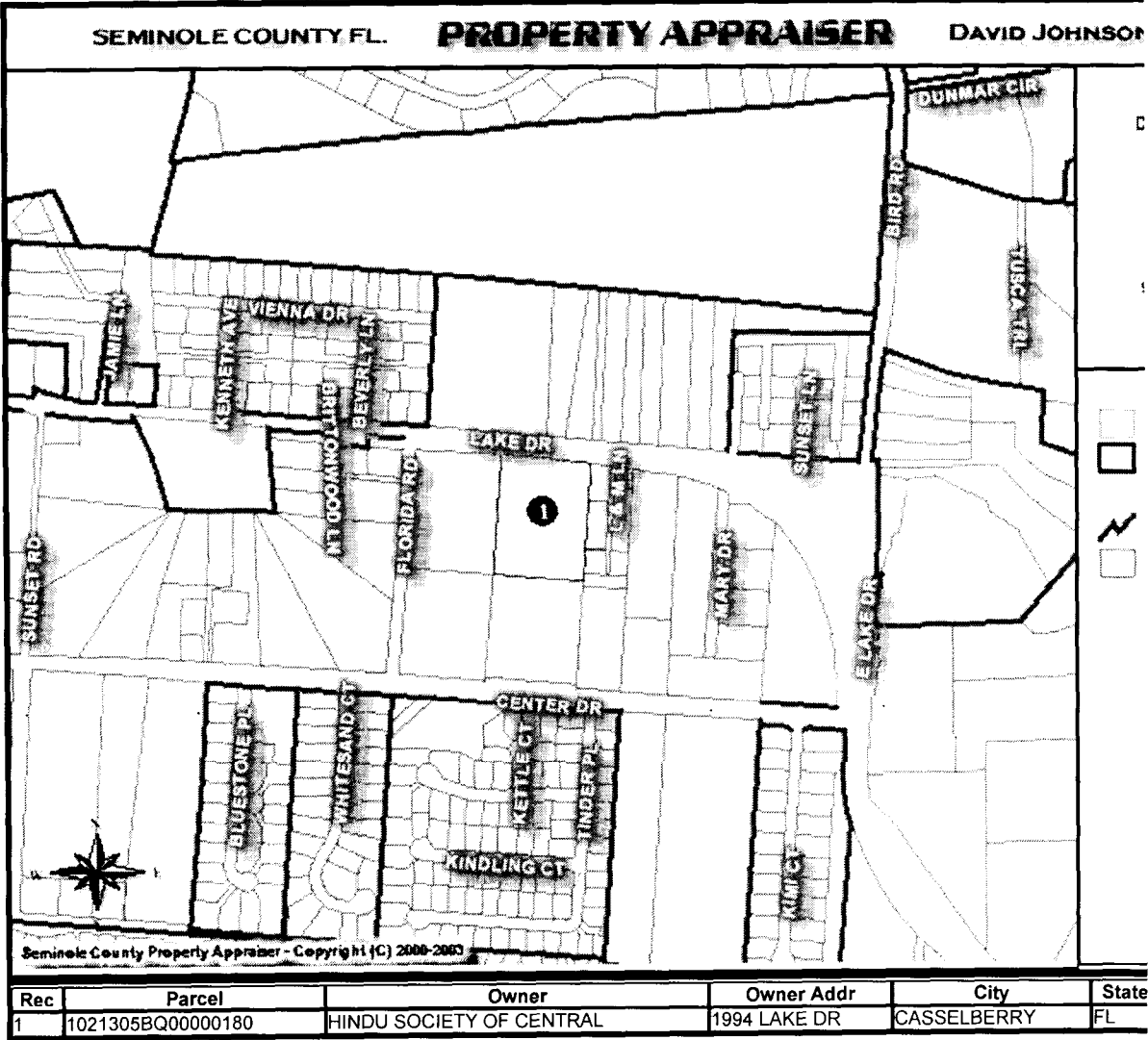
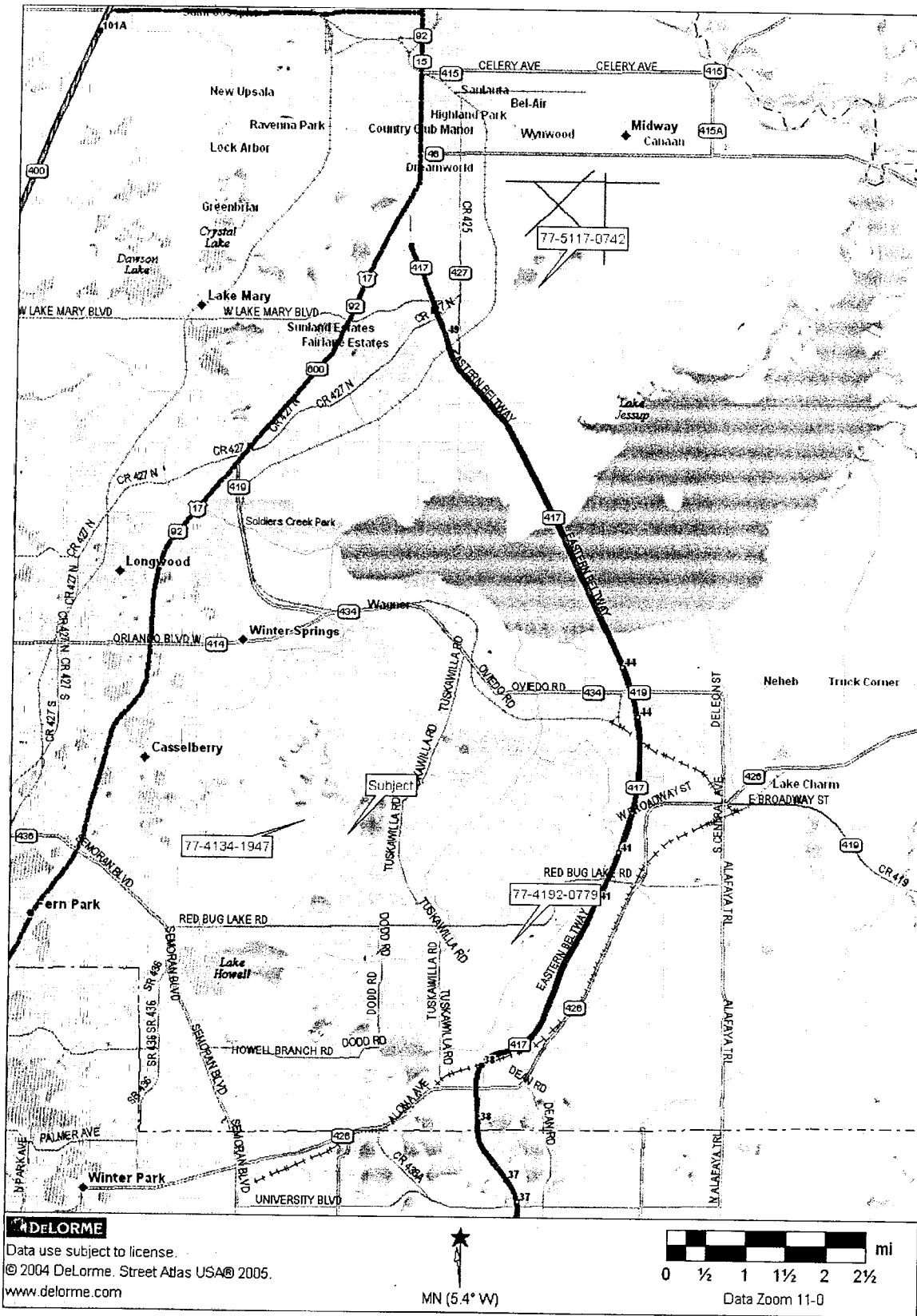


EXHIBIT A

COMPARABLE SALES MAP

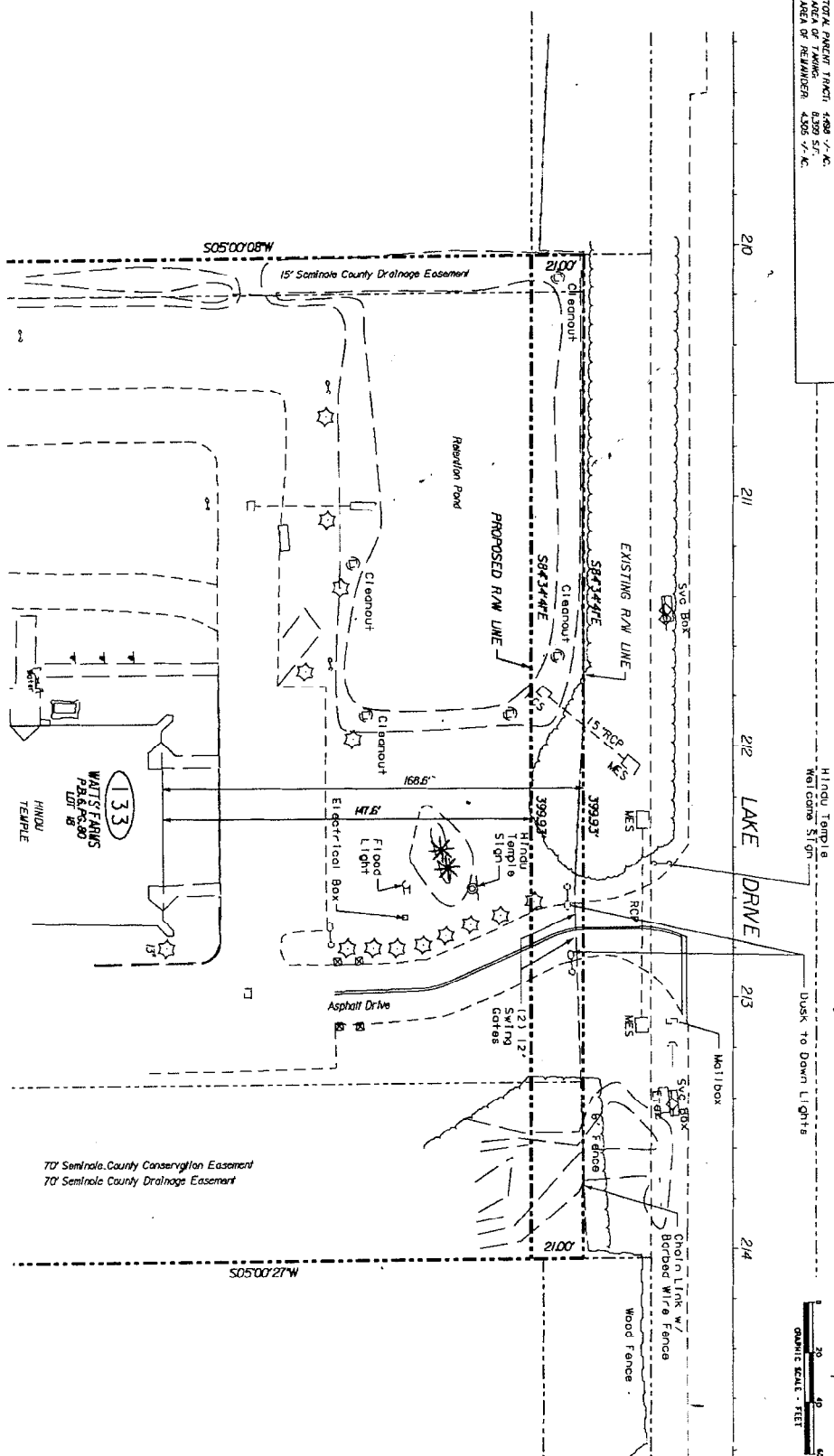


CLAYTON, ROPER & MARSHALL

CRM File No. 02-178.133 OT

EXHIBIT A

1. $\frac{1}{2}$

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LOCHRANE
ENGINEERS • SURVEYORS

PARCEL 133
WITH TAKING

LAKE DRIVE
FOR
SEMINOLE COUNTY

PROJECT NUMBER:	02044
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DATE, MAY, 2002

SCALE: AS SHOWN

WILLIAMS, D. R., P.

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